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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,515	07/14/2004	Rolf-Juergen Recknagel	2941	4463
7590 11/17/2005				
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743		EXAMINER BARAN, MARY C		
		ART UNIT PAPER NUMBER		
		2857		

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,515

Applicant(s)

RECKNAGEL ET AL.

Examiner

Mary Kate B. Baran

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14 July 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 1 has unlabeled boxes. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because
- (a) On page 9 line 9, "As the sensor" should be deleted.
 - (b) On page 9 line 10, "(FIG. 1)" should be deleted.

Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

(a) On page 2 line 14, "to" should be deleted.

(b) On page 5 line 2, "[verb missing]" should be – sends –.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 provides for the use of a sensor for collision detection, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 5 recites the limitation, "it detects a collision", however, it is not clear from the claimed language what or how the collision is being detected.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (U.S. Patent No. 5,814,897) (hereinafter Ito).

Referring to claim 1, Ito teaches a method for collision detection (see Ito, column 6 lines 18-22), wherein a signal of a sensor for collision detection is used (see Ito, column 5 lines 29-34); wherein the signal is filtered (see Ito, Figure 2 and column 10 lines 9-22); wherein the unfiltered signal is compared with a predetermined plausibility

threshold, and on the basis of the comparison of the filtered signal, a collision is detected (see Ito, column 5 lines 40-48).

Referring to claim 2, Ito teaches that is the plausibility threshold is exceeded, a plausibility flag is set (see Ito, column 9 lines 45-65).

Referring to claim 3, Ito teaches that the plausibility flag is transmitted to a processor (see Ito, column 9 lines 45-65).

Referring to claim 4, Ito teaches that the plausibility flag is maintained for a predetermined length of time (see Ito, column 5 lines 40-48).

Referring to claim 5, Ito teaches an apparatus for collision detection (see Ito, column 6 lines 18-22), wherein the apparatus has a sensor for outputting a signal (see Ito, column 5 lines 29-34); wherein a filter for filtering the signal is provided (see Ito, Figure 2 and column 10 lines 9-22); wherein a threshold value decider for the unfiltered signal is provided (see Ito, column 5 lines 40-48); and wherein a processor is embodied such that as a function of an output signal of the threshold value decider and of the filtered signal, it detects a collision (see Ito, column 5 lines 40-48).

Referring to claim 6, Ito teaches that the threshold value decider is connected at its output to a hold element in such a way that the hold element keeps the output signal for a predetermined length of time (see Ito, column 5 lines 40-48).

Referring to claim 7, Ito teaches that the sensor can be connected to a control unit, and the control unit has the processor and can be connected to restrain means (see Ito, Figure 2).

Referring to claim 8, Ito teaches that the filter and the hold element are disposed in the control unit (see Ito, Figure 2).

Referring to claim 9, Ito teaches that the filter, the hold element, and a device for analog to digital conversion are disposed in a housing together with the sensor (see Ito, column 6 lines 42-45).

Referring to claim 10, Ito teaches that the sensor is embodied as an acceleration sensor (see Ito, column 5 lines 29-34).

Conclusion

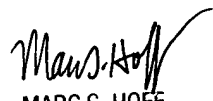
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (a) Dalum teaches a restraint deployment control method with speed-dependent adjustment of deployment threshold.
- (b) Midorikawa et al. teach a seatbelt device.
- (c) Arima et al. teach a seatbelt device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B. Baran whose telephone number is (571) 272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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10 November 2005